

FACING LIFE

HEAD-ON

with TV host Brad Mattes

1

March 15, 2007

CG DOCKET NO. 06-181

Federal Communications Commission
Marlene H. Dortch, Secretary
Attn: CGB Room3-B431
445 12th Street, SW
Washington, DC 20554

RE: CASE ID #CGB-CC-066 – Response to Opposition

Dear Ms. Dortch:

Please consider this correspondence official response to a letter of opposition filed February 23, 2007, via Bingham McCutchen LLP, on behalf of Telecommunications for the Deaf and Hard of Hearing, Inc.; National Association for the Deaf; Deaf and Hard of Hearing Consumer Advocacy Network; Hearing Loss Association of America; Association of Late-Deafened Adults, Inc.; American Association of People with Disabilities; and California Coalition of Agencies Serving the Deaf and Hard of Hearing.

The above commenters cited lack of evidence that compliance with closed captioning requirements will impose an undue burden upon *Facing Life Head-On* and its sponsoring organization, Life Issues Institute, Inc.

However, as the commenters also graciously explained, the Commission has authority to grant a petition for exemption upon a showing that said requirements would impose an undue burden on the video programming provider or video owner, i.e. “significant difficulty or expense.” We fully demonstrate this burden exists and, accordingly, *Facing Life Head-On* qualifies for temporary exemption.

Consider the following four factors:

1. **The Nature and Cost of Closed Captions**
 - a. **Competitive Pricing from Multiple Sources**

Competitive pricing from a variety of sources was obtained. Total costs are reflective of shipping and the purchase and dubbing of additional tapes to be sent to all networks/stations required for full compliance.

Aberdeen Captioning (Rancho Santa Margarita, CA)

Top quality, roll-up captioning runs \$300+ per episode. Second level quality is \$225, and live/delayed captioning is quoted at \$175. Each additional tape would be an extra \$40, plus shipping.

Total costs per episode: \$620 - \$495

The Miracle Channel (Lethbridge, Alberta, Canada)

We were able to negotiate to \$85 per episode, but when tape dubs and international shipping is included, the expense is significantly greater.

Total costs per episode: \$350+

National Captioning Institute

Standard rate: \$150 per episode (not including tape dubs and shipping)

Total costs per episode: \$420+

Zone Communication Group

The production company we work with to produce *Facing Life Head-on* is not equipped to handle closed captioning and could only do so by purchasing additional equipment (\$6,000) and increased labor costs.

Total costs per episode: \$750

MediaComm / The Inspiration Networks

Standard rate: \$300 per episode (not including tape dubs and shipping)

Total costs per episode: \$550+

b. Submitted Correspondence

See attached for available correspondence reflecting our pricing search, Initial inquiries and follow-up calls were made to The Miracle Channel; Aberdeen Captioning; and Zone Communication Group,

c. Details Regarding Financial Resources

As the previously attached 990 Income Tax form demonstrates, *Facing Life Head-On*'s sponsoring organization, Life Issues Institute, Inc., is registered under 501(c)3 status.

The Institute receives 98.6% of its funding through the goodwill and support of the public. Those funds (totaling \$882,603) are allocated to fulfill the Institute's mission to provide educational tools on the life issues. The television program, *Facing Life Head-on*, represents only one aspect of the larger operation. The majority of the Institute's funds are allocated to other projects, including daily radio broadcasts, speaking events, publications, educational materials and overhead costs.

Accordingly, the television program operates under the constraints of a more much limited budget. The Institute received a limited grant to begin production of *Facing Life Head-on*. With \$336,267 to build and maintain the program (costs which include all expenses related to the project, i.e. purchasing equipment, hiring talent, retaining film and post-production contractors, administrative costs, covering travel expenses of guests, etc.), we do not yet benefit from any revenue from the project itself – none to maintain the show after the grant expires and, unfortunately, none to carry-out closed captioning at this time.

d. Attempts to Recoup Cost of Closed Captioning

Since Life Issues Institute, Inc. functions almost entirely through the support of donors, the Institute quickly pursued grants and sponsorship for closed captioning. A memo from Institute’s director of development is attached, reporting on recent efforts.

Contact has also been made with networks that provide airtime for the show. None have responded positively to our request for closed captioning assistance. Documentation is attached.

2. The impact on the operation of the provider or program owner

As noted above (1c), *Facing Life Head-On* struggles to survive negative cash flow and, as our original petition explained, a running deficit. Economics have already forced our team to cut eight week’s worth of episodes from our annual production schedule and recycle content wherever possible. The added obligations of closed captioning will undoubtedly increase that burden.

The lowest closed captioning estimates represent a cost burden of \$8,000 per year. As stated in the original petition, this is a deduction of more than 2 percent of our beginning budget and more than 5 percent of remaining, available funds. Though we recognize – and do not claim otherwise, as alleged by opposing parties – that the self-implementing exemption listed in Section 79.1(d)(11) pertains only to channel owners, we implore the Commission’s understanding that just as that standard (an excess expense of 2 percent of gross revenues) demonstrates an undue burden on video programming distributors, we are equally burdened by this same situation.

3. The financial resources of the provider or program owner

As expressed above (1c), *Facing Life Head-on* relies solely on the support of the public. This is our inaugural year of producing the program – made possible solely through the generosity of a donor who saw the merits of the project.

Given a period of time to broadcast the show with the budgetary means we have available, we are confident that further interest and financial sponsorship for closed captioning will be generated. At this point, Life Issues Institute is only a few months into the project and, as such, is still in the process of building a proven track record of excellence that will attract future financial support.

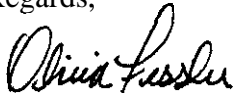
4. The type of operations of the provider or program owner

The central mission of Life Issues Institute is to protect and advocate for the vulnerable and disabled, and, as such, we commend the Commission's attention to the needs of the hearing impaired.

Our desire is, indeed, to provide closed captioning in the future. We **ask** only for a temporary exemption. For the Commission to do so remains in the interests of all individuals with special needs, for *Facing Life Head-On* champions the rights of all people, at all stages of life, who may have disabilities or special needs. To lessen its airtime – either through temporary removal of its broadcast to struggle with compliance, diminished production of episodes, or wholesale collapse – would be a disservice to the disabled community we all seek to protect.

Should you have any questions, feel free to contact me. I am available by e-mail, at olivia@facinglife.tv, or phone, at 513.729.3600. Thank you. We appreciate your kind consideration.

Regards,


OLIVIA FESSLER
Executive Producer

Enclosures

-----Original Message-----

From: John Colmar [mailto:john.colmar@zonecg.com]

Sent: Wednesday, September 06, 2006 4:03 PM

To: Olivia Fessler

Subject: RE: Closed Captioning

The cost to CC each show will amount to around \$750. We must **buy** software (~6k) to "write" the script into a special area of scan lines set aside within the broadcast spectrum – and then have each show transcribed into a word document to load into the software to then encode the program when we lay it off to tape. Add the 2-3 hours per show in labor on our end to make all the stars align and that's a rough idea of the cost.

John Colmar

President

Zone Communication Group

-----Original Message-----

From: Phyllis McWhirter [mailto:PMcWhirter@insp.com]

Sent: Tuesday, October 31, 2006 6:28 AM

To: olivia@facinglife.tv

Subject: Re: Closed Captioning

Olivia,

I am traveling today and will not be back in the office until Monday.
I hope this is sufficient.

Half hour program will cost 300.00 per episode for closed captioning.
This includes encoding and 1 tape.

Best wishes,
Phyllis McWhirter
Director, Network Compliance
The Inspiration Networks

Olivia Fessler

From: Lydy Pinzon-Dadley[LDadley@NCICAP.org]
Sent: Wednesday, March 14, 2007 2:22 PM
To: Olivia Fessler
Subject: RE: Captioning Cost

Hi Olivia,

Thank you for your email. I assume this is for real-time captioning. Can you please let me know what time and day you are looking for captioning? Our standard rate for a half-hour show is \$1 15

Thank you,
Lydy

-----Original Message-----

From: Olivia Fessler [mailto:olivia@facinglife.tv]
Sent: Wednesday, March 14, 2007 11:10 AM
To: Lydy Pinzon-Dadley
Subject: Captioning Cost

Lydy,

Could you provide me with a cost estimate for closed captioning of a half-hour, weekly, English television program?

OLIVIA FESSLER
Executive Producer
Facing Life Head-On
513.729.3600
www.facinglife.tv

Dear Olivia:

I understand the situation regarding closed captioning requirements presented to your organization, Facing Life. We too, are a non-profit organization and have found ourselves struggling to absorb the captioning costs for our own programming to remain compliant with FCC regulations. Many of the programs we air are produced by either ministries or non-profit organizations, whose annual income is minimal at best.

Facing Life Head-on provides a valuable, much needed message that impacts lives across all social structures. Captioning costs do place a hardship on some non-profit organizations which depend on donations and sponsors.

Our Closed Captioning department at Media Comm, also works with outside clients to meet their captioning needs and provides a quality service at competitive market costs. I wish that i-Lifetv was in a position to just absorb the costs for captioning your programming as the program is a valuable asset to the 10 Million + viewers across the US.

Please let me know if we can help in any further way.

Sincerely,

Christie Legg
Vice President i-Lifetv | The Inspiration Networks
7910 Crescent Executive Dr, 5th Floor | Charlotte, NC 28217 | USA
Office: + 1 704 561 7621 | email: clegg@insp.com
www.ilifetv.com | www.inspiration.net

From: Olivia Fessler [mailto:olivia@facinglife.tv]
Sent: Wednesday, March 14, 2007 11:02 AM
To: Christie Legg
Subject: Closed Captioning Assistance

Ms. Christie Legg
Inspirational Life Television
7910 Crescent Executive Dr., Suite 500
Charlotte, NC 28217

Dear Ms. Legg,

I am writing to officially inquire about closed captioning assistance that you might be able to lend.

As you know, *Facing Life Head-on* is produced by a non-profit organization with limited budgetary means to fulfill the additional requirement of closed captioning at this time. When this television project gains momentum, we certainly expect to be in a better financial position to do so; in the meantime, however, is this an element of broadcasting that Inspirational Life Television is able to partner with us in providing?

I look forward to your reply, and, of course, welcome any questions you may have. Please feel free to contact me by e-mail, at olivia@facinglife.tv, or by phone, at 513.729.3600.

Regards,

OLIVIA FESSLER
Executive Producer
Facing Life Head-on
513.729.3600
www.facinglife.tv



LIFE ISSUES INSTITUTE, INC.
SERVING THE EDUCATIONAL NEEDS OF THE PRO-LIFE MOVEMENT

JOHN C. WILLKE, M.D.

President

BRADLEY MATTES

Executive Director

Memo

To: Brad Mattes
Executive Director, Life Issues Institute, Inc.

From: Kevin Messer, CLU, ChFC
Director of *Development*, Life Issues Institute, Inc.

C C Olivia Fessler
Executive Producer, *Facing Life Head-on*

Date: 3/15/2007

Re: Closed Captioning Sponsorship

Per your request, we continue to seek financial sponsorship for closed captioning.

To date, I have found that donors prefer to allocate contributions to other aspects of our work at Life Issues Institute, e.g. Urban Outreach project, *Truth Unmasked* youth intervention project, Internet educational resources, etc. Accordingly, I regrettably report that we have not been able to raise enough designated funds to caption all upcoming broadcasts of *Facing Life Head-on*.

As our resources continue to be limited in this regard, I recommend we press forward with the request for temporary exemption from Federal Communications Commission regulations. Given enough time, I am confident we will garner financial backing for this aspect of programming; but that is largely possible only if *Facing Life Head-on* is first granted an opportunity to gain a solid following through airing, thereby increasing the demonstrated success of the program to those major donors who might be called upon to support our captioning needs.

I will be sure to keep you updated on progress. Please let me know if you have questions.



LIFE ISSUES INSTITUTE.INC.

SERVING THE EDUCATIONAL NEEDS OF THE PRO-LIFE MOVEMENT

JOHN C. WILLKE, M.D.

President

BRADLEY MATTES

Executive Director

March 16, 2007

Federal Communications Commission
Office of the Secretary
9300 E. Hampton Drive
Capitol Heights, MD 20743

Re: Certificate of Service

I, Bradley Mattes, do hereby certify that, on March 16, 2007, a copy of the foregoing response to the opposition to the petition for exemption from closed captioning requirements filed by Life Issues Institute, Inc., as filed with the Federal Communications Commission in Case ID# CGB-CC-0655 was served by first class U.S. mail, postage prepaid, upon the Opposition.

This sworn statement has been attested to by a Notary Public as noted below.

Sincerely,



BRADLEY MATTES
Executive Director

State of Ohio

County of Hamilton

The foregoing instrument was acknowledged before me this 16 day of March 2007

By Bradley Mattes

Notary Public - Cheng I. Powell

My Commission Expires: 3/6/2011



CHENG I. POWELL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 03-06-11



LIFE ISSUES INSTITUTE, INC.

SERVING THE EDUCATIONAL NEEDS OF THE PRO-LIFE MOVEMENT

JOHN C. WILLKE, M.D.

President

BRADLEY MATTES

Executive Director

March 16, 2007

Federal Communications Commission
Office of the Secretary
9300 E. Hampton Drive
Capitol Heights, MD 20743

Re: Certificate of Service

I, Bradley Mattes, do hereby certify that, on March 16, 2007, a copy of the foregoing response to the opposition to the petition for exemption from closed captioning requirements filed by Life Issues Institute, Inc., as filed with the Federal Communications Commission in Case ID# CGB-CC-0655 was served by first class U.S. mail, postage prepaid, upon the Opposition.

This sworn statement has been attested to by a Notary Public as noted below.

Sincerely,


BRADLEY MATTES
Executive Director

State of Ohio

County of Hamilton

The foregoing instrument was acknowledged before me this 16 day of March 2007

By Bradley Mattes

Notary Public Cheng I. Powell

My Commission Expires: 3/6/2011



CHENG I. POWELL
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 03-06-11